IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION (ST) NO.31475 OF 2002
IN
WRIT PETITION NO. 4761 OF 1999

Mr. Akhtar Dawood Pathan ... Petitioner

Versus

The Secretary, PWD and Ors. ... Respondents

Mr. A.R. Pitale for Applicant.

Mr. C.R. Sonawane, A.G.P. for Respondents.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : MARCH 03, 2006

P.C.

. The petition filed by the Review Petitioner came to be disposed of by the order passed by the Division Bench consisting of Pandya & Kochar, JJ. dated 30.8.1999 in the following terms :

> "In view of subsequent Development of order (Exh. "M" Pg.49) being challenged by way of O.A. No. 517/99, where interim relief has been granted, without entering into the merits and keeping all questions open, we do not deal with matter. It is disposed off accordingly."

. The original petition (WP 4761 of 1999) was instituted before this court to challenge the order of the Maharashtra Administrative Tribunal dated 23.7.1999 passed in Original Application No. 661 of 1998. Subsequent to the order of the M.A.T. the services of the Petitioner came to be terminated and Original Application No. 517 of 1999 came to be instituted before the tribunal to challenge the termination. In the petition which has been instituted before this court to impugn the order dated 23.7.1999, the issue which comes up for consideration is the entitlement of the Petitioner to receive back wages for the prior period from 5.5.1989 untill he was taken back in service. O.A. No. 517 of 1991 relates to the subsequent termination. In this view of the matter, Order dated 30.8.1999 will have to be recalled and the petition will have to be listed for admission. The review Petition is allowed. The order dated 30.8.1999 is recalled. The Registry is directed to place the petition for admission before the appropriate Bench.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)